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C O N F I D E N T I A L SECTION 01 OF 02 RANGOON 001647

SIPDIS

STATE FOR EAP/BCLTV; PACOM FOR FPA

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TAGS: [PREL](#) [PGOV](#) [PHUM](#) [PINR](#) [BM](#) [ASSK](#)

SUBJECT: BURMA: GOB AFFIRMS THAT ASSK WILL REMAIN ISOLATED IN DETENTION

REF: A. RANGOON 1643

[B](#). RANGOON 1612 AND PREVIOUS

[C](#). RANGOON 1530 AND PREVIOUS

Classified By: COM Carmen Martinez for Reasons 1.4 (b,d)

[1](#). (C) Summary: The new Minister of Home Affairs, offering the first official GOB word on the current status of Aung San Suu Kyi's detention, says that ASSK and NLD Vice Chairman U Tin Oo are no longer considered held "in protective custody," but rather are detained under a specific provision of law which allows detention without trial and prohibits any contact with outside parties. The Minister also claims that ASSK herself had requested the recent removal of her personal bodyguards from her compound. The SPDC will now claim legal justification for the indefinite detention of the NLD leaders, making it unlikely that the regime will bow to international pressure to free either of the two any time soon. End Summary.

[2](#). (SBU) On December 29 COM and P/E chief called on the GOB's new Minister of Home Affairs, Major General Maung Oo. The Minister was joined by Police Brig Gen Khin Yee, Director General of the Burmese Police Force, and other senior ministry and police officials. We delivered a demarche on the USG narcotics certification process (septel), but also used the opportunity to raise issues related to the South Asian tsunami (ref A) and the ongoing detention of ASSK.

[3](#). (C) The COM pressed for an explanation as to why the GOB, reversing its standard description of Aung San Suu Kyi's status as "protective custody," recently applied to the democracy leader a specific criminal charge under the 1975 "Law to Safeguard the State Against the Dangers of Subversive Elements" (ref C). The COM added that the new charge indicated the GOB now considered ASSK a threat to national security.

[4](#). (C) Minister Maung Oo replied that ASSK had breached specific provisions of the law (NFI) and declared that the GOB "should have taken this action from the beginning," meaning after the May 2003 assault on her convoy and intimating that the SPDC blamed former Prime Minister Khin Nyunt and his military intelligence apparatus for inappropriate handling of ASSK's case. He also said that under the provisions of the law, specifically Section 10(b), ASSK is not allowed to receive visitors, depart her compound, or have any written or phone communications with other parties.

[5](#). (C) The COM expressed concern over ASSK's detention as well as that of NLD Vice Chairman U Tin Oo and other pro-democracy party members. In response to COM's questions, the Minister said that U Tin Oo is also held under the same section of the law (Note: Under Section 10(b) the GOB can hold an individual without trial for up to one year, which the Minister for Home Affairs can prolong for another year and the Chairman of the SPDC can extend for an additional five years. End Note).

[6](#). (SBU) On the basis of the Home Minister's implicit acknowledgment that the GOB plans to hold ASSK in detention for at least another year, as well as recent information that her access to medical care and personal security staff has been restricted (ref B), the COM stated the United States holds the Burmese government solely responsible for her safety and security.

[7](#). (C) Minister Maung Oo replied that ASSK "is well protected and she even has better security than I do." He said that the GOB "is in close contact with her and she is able to inform our security people of all her needs." He further claimed that ASSK herself had requested the removal of her entire personal bodyguard. "Although Section 10(b) does not have a provision for security," he said, "we allowed her to keep six bodyguards at the compound, but she refused." (Note: A December 17 Reuter's article also made the claim that ASSK had removed all of her personal bodyguards, in protest over the GOB's decision to cut the contingent in half. An Embassy source who has had contact with ASSK corroborated this information. End Note.)

[8](#). (C) The COM pressed Minister Maung Oo to specify what

measures the GOB had taken to ensure ASSK's safety and, given the specific legal charge against her, to explain whether the ICRC would have access to her, like any other prisoner. Maung Oo demurred on detailing any GOB security measures, but reiterated that under Section 10(b) ASSK was not allowed contact with any outside parties. "The ICRC will not have access to Aung San Suu Kyi at this moment," he intoned.

19. (C) Comment: Maj Gen Maung Oo's acknowledgment that ASSK is now detained under Section 10(b) was the first official GOB word on the topic since the NLD revealed on December 1 that the SPDC had extended her house arrest (ref C). Further, his information that U Tin Oo is also held under Section 10(b) is news. Neither development bodes well for the two democracy activists. The SPDC, hiding under the veneer of its own Orwellian laws, will claim legal justification for the indefinite detention of the NLD leaders, making it unlikely that the regime will bow to international pressure to free either of the two any time soon. End Comment.  
MARTINEZ